

1 MARTHA S. DOTY (SBN 143287)
2 LISA GARCIA (SBN 301362)
3 **ALSTON & BIRD LLP**
4 333 South Hope Street, 16th Floor
5 Los Angeles, CA 90071-1410
6 Telephone: 213-576-1000
7 E-mail: martha.doty@alston.com
8 lisa.garcia@alston.com

9 Attorneys for Plaintiff
10 **HUG ENGINEERING, INC.**

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 HUG ENGINEERING, INC., a Texas
15 corporation,

16 Plaintiff,

17 v.

18 MR. MUFFLER, INC., a California
19 corporation, and DOES 1 through 10,
20 inclusive,

21 Defendants.

Case No.: 5:18-cv-1937 JGB (SHKx)

[Assigned to Honorable Jesus G. Bernal]

~~**[PROPOSED]**~~ **DEFAULT**
JUDGMENT AGAINST
MR. MUFFLER, INC.

IT IS HEREBY ORDERED ADJUDGED AND DECREED AS FOLLOWS:

1. That default was entered against Defendant Mr. Muffler, Inc. by the Clerk of this Court on October 15, 2018 for failure to serve an Answer to the Complaint within 21 days after being served with the Summons and Complaint, as required by Federal Rules of Civil Procedure, Rule 12.

2. That Plaintiff HUG Engineering, Inc. has submitted a Request for Entry of Default Judgment in compliance with Federal Rules of Civil Procedure, Rule 55(b)(1) and therefore, default judgment against Mr. Muffler, Inc. is appropriate.

3. That default judgment is hereby entered against defaulting party Mr. Muffler, Inc. and Plaintiff may recover the damages claimed in the Complaint in the amount of \$261,954.25.

IT IS SO ORDERED.

Dated: 11/1/18



Clerk of the United States District Court

PROOF OF SERVICE

I, Heather Thai, declare:


I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071.

On October 18, 2018, I served the document(s) described as **[PROPOSED] DEFAULT JUDGMENT AGAINST MR. MUFFLER, INC.** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows: See Attached Service List

Mr. Muffler, Inc.
Victor Horta, Authorized Agent for Service of Process
2121 Rustin Avenue
Riverside, CA 92507

- ☒ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.
- ☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.
- ☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.
- ☐ BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT: On this date, I transmitted the above-mentioned document by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth on the attached service list.
- ☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ [Federal] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 18, 2018, at Los Angeles, California.


Heather Thai